

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division**

ELIZABETH SINES, SETH WISPELWEY,
MARISSA BLAIR, APRIL MUNIZ,
MARCUS MARTIN, NATALIE ROMERO,
CHELSEA ALVARADO, JOHN DOE, and
THOMAS BAKER,

Plaintiffs,

v.

JASON KESSLER, RICHARD SPENCER,
CHRISTOPHER CANTWELL, JAMES
ALEX FIELDS, JR., VANGUARD
AMERICA, ANDREW ANGLIN,
MOONBASE HOLDINGS, LLC, ROBERT
“AZZMADOR” RAY, NATHAN DAMIGO,
ELLIOT KLINE a/k/a ELI MOSLEY,
IDENTITY EVROPA, MATTHEW
HEIMBACH, MATTHEW PARROTT a/k/a
DAVID MATTHEW PARROTT,
TRADITIONALIST WORKER PARTY,
MICHAEL HILL, MICHAEL TUBBS,
LEAGUE OF THE SOUTH, JEFF SCHOEP,
NATIONAL SOCIALIST MOVEMENT,
NATIONALIST FRONT, AUGUSTUS SOL
INVICTUS, FRATERNAL ORDER OF THE
ALT-KNIGHTS, MICHAEL “ENOCH”
PEINOVICH, LOYAL WHITE KNIGHTS OF
THE KU KLUX KLAN, and EAST COAST
KNIGHTS OF THE KU KLUX KLAN a/k/a
EAST COAST KNIGHTS OF THE TRUE
INVISIBLE EMPIRE,

Civil Action No. 3:17-cv-00072-NKM

Defendants.

**PLAINTIFFS’ CORRECTED MOTION FOR EXTENSION OF TIME TO FILE REPLY
IN SUPPORT OF THEIR MOTION FOR ATTORNEYS’ FEES AND COSTS**

Plaintiffs respectfully request that, like Defendants, they be granted an extension of time to file their reply brief in further support of Plaintiffs' Motion for Attorneys' Fees and Costs and Bill of Costs (the "Motion"), ECF 1552 & 1553. While at least some of Defendants' reply briefs are now due until May 5, 2022, *see* ECF 1584, it appears that Plaintiffs' reply brief may still be due tomorrow, April 27, 2022. But now that Defendant Cantwell's opposition to the Motion is not due until May 23, 2022, *see* ECF 1584, if Plaintiffs' reply deadline is not similarly extended, that would (1) effectively make Defendant Cantwell's opposition into a sur-reply, (2) result in Plaintiffs submitting two separate reply briefs in support of their Motion—one in response to Defendant Cantwell's opposition, which is not due until May 23, 2022, and another in response to the other Defendants' oppositions, which have already been filed; and (3) result in three different reply dates for the parties' post-trial motions: (a) Plaintiffs' reply brief due April 27, 2022; (b) at least some of Defendants' reply briefs due on May 5, 2022, whereas others may still be due on April 27, 2022;¹ and (c) Plaintiffs' reply brief in response to Defendant Cantwell's May 23 opposition due June 6, 2022.

Plaintiffs therefore respectfully request that they be permitted to file a single reply brief in response to all Defendants' oppositions to Plaintiffs' Motion no later than five business days after Defendant Cantwell's opposition is entered on the docket. In the alternative, Plaintiffs respectfully request that they be granted the same 14-day extension as Defendants and that their reply brief in further support of Plaintiffs' Motion be due on the same date as at least certain of Defendants' reply briefs, or May 5, 2022, *see* ECF 1584, with a second reply brief in response to Defendant

¹ It appears that Defendants' reply briefs in response to Plaintiffs' Omnibus Opposition to Defendants' Rule 50(b) and 59(a) Post-Trial Motions are now due on May 5, 2022, *see* ECF 1584, whereas their reply briefs in response to Plaintiffs' Opposition to Defendants' Motions Challenging the Punitive Damages Awards may still be due on April 27, 2022, under the earlier schedule, *see* ECF 1567. As we stated in our letter to the Court dated April 20, 2022, ECF 1583, Plaintiffs would not oppose all of these reply briefs being uniformly due on May 5, 2022.

Cantwell's opposition due no later than five business days after Defendant Cantwell's opposition is entered on the docket.

Respectfully submitted,



Roberta A. Kaplan

cc: Counsel of Record

Of Counsel:

Roberta A. Kaplan (*pro hac vice*)
Julie E. Fink (*pro hac vice*)
Gabrielle E. Tenzer (*pro hac vice*)
Yotam Barkai (*pro hac vice*)
Emily C. Cole (*pro hac vice*)
Alexandra K. Conlon (*pro hac vice*)
KAPLAN HECKER & FINK LLP
350 Fifth Avenue, Suite 63rd
New York, NY 10118
Telephone: (212) 763-0883
rkaplan@kaplanhecker.com
jfink@kaplanhecker.com
gtenzer@kaplanhecker.com
ybarkai@kaplanhecker.com
ecole@kaplanhecker.com
aconlon@kaplanhecker.com

Robert T. Cahill (VSB 38562)
COOLEY LLP
11951 Freedom Drive, 14th Floor
Reston, VA 20190-5656
Telephone: (703) 456-8000
Fax: (703) 456-8100
rcahil@cooley.com

Karen L. Dunn (*pro hac vice*)
Jessica Phillips (*pro hac vice*)
William A. Isaacson (*pro hac vice*)
Arpine S. Lawyer (*pro hac vice*)
Matteo Godi (*pro hac vice*)
PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP
2001 K Street, NW
Washington, DC 20006-1047
Telephone: (202) 223-7300
Fax: (202) 223-7420
kdunn@paulweiss.com
jphillips@paulweiss.com
wisaacson@paulweiss.com
alawyer@paulweiss.com
mgodi@paulweiss.com

Alan Levine (*pro hac vice*)
Philip Bowman (*pro hac vice*)
COOLEY LLP
55 Hudson Yards
New York, NY 10001
Telephone: (212) 479-6260
Fax: (212) 479-6275
alevine@cooley.com
pbowman@cooley.com

David E. Mills (*pro hac vice*)
Joshua M. Siegel (VSB 73416)
Caitlin B. Munley (*pro hac vice*)
Samantha A Strauss (*pro hac vice*)
Alexandra Eber (*pro hac vice*)
Daniel Philip Roy, III (*pro hac vice*)
Gemma Seidita (*pro hac vice*)
Khary Anderson (*pro hac vice*)
COOLEY LLP
1299 Pennsylvania Avenue, NW
Suite 700
Washington, DC 20004
Telephone: (202) 842-7800
Fax: (202) 842-7899
dmills@cooley.com
jsiegel@cooley.com
cmunley@cooley.com
sastrauß@cooley.com
aeber@cooley.com
droy@cooley.com
gseidita@cooley.com
kjanderson@cooley.com

J. Benjamin Rottenborn (VSB 84796)
WOODS ROGERS PLC
10 South Jefferson St., Suite 1400
Roanoke, VA 24011
Telephone: (540) 983-7600
Fax: (540) 983-7711
brottenborn@woodsrogers.com

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on April 26, 2022, I served the following via electronic mail:

Elmer Woodard
5661 US Hwy 29
Blairs, VA 24527
suecrooks@comcast.net

James E. Kolenich
Kolenich Law Office
9435 Waterstone Blvd. #140
Cincinnati, OH 45249
jek318@gmail.com

Counsel for Defendants Jason Kessler, Nathan Damigo, and Identity Europa, Inc. (Identity Evropa)

Bryan Jones
106 W. South St., Suite 211
Charlottesville, VA 22902
bryan@bjoneslegal.com

Counsel for Defendants Michael Hill, Michael Tubbs, and League of the South

Joshua Smith
Smith LLC
807 Crane Avenue
Pittsburgh, PA 15216-2079
joshsmith2020@gmail.com

Counsel for Defendants Matthew Parrott, Traditionalist Worker Party and Matthew Heimbach

David L. Campbell
Justin Saunders Gravatt
Duane, Hauck, Davis & Gravatt, P.C.
100 West Franklin Street, Suite 100
Richmond, VA 23220
dcampbell@dhdglaw.com
jgravatt@dhdglaw.com

Counsel for Defendant James A. Fields, Jr.

William Edward ReBrook, IV
The ReBrook Law Office
6013 Clerkenwell Court
Burke, VA 22015
edward@rebrooklaw.com

Counsel for Defendants Jeff Schoep, National Socialist Movement, Nationalist Front, Matthew Parrott, Traditionalist Worker Party and Matthew Heimbach

I hereby certify that on April 26, 2022, I also served the following by electronic mail:

Richard Spencer
richardbspencer@icloud.com
richardbspencer@gmail.com

Vanguard America
c/o Dillon Hopper
dillon_hopper@protonmail.com

Robert "Azzmador" Ray
azzmador@gmail.com

Elliott Kline a/k/a Eli Mosley
eli.f.mosley@gmail.com
deplorabletruth@gmail.com
eli.r.kline@gmail.com

I hereby certify that on April 26, 2022, I also served the following by physical mail:

Christopher Cantwell 00991-509
USP Marion
4500 Prison Road, P.O. Box 2000
Marion IL, 62959



Roberta A. Kaplan (*pro hac vice*)
KAPLAN HECKER & FINK LLP

Counsel for Plaintiffs